

“(3) The Comptroller General’s assessment of the process for, and the nature and extent of, the administrative or judicial corrective action taken by the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force as a result of Inspector General investigations or other investigations in which allegations against senior National Guard officers are substantiated in whole or in part.

“(4) The Comptroller General’s determination of the effectiveness of the Federal protections provided for members or employees of the National Guard who report allegations of waste, fraud, abuse, or mismanagement and the nature and extent to which corrective action is taken against those in the National Guard who retaliate against such members or employees.”

STUDY OF STATE AND FEDERAL MISSIONS OF NATIONAL GUARD

Pub. L. 103-160, div. A, title V, §522, Nov. 30, 1993, 107 Stat. 1655, directed Secretary of Defense to provide for a study of State and Federal missions of National Guard to be carried out by a federally funded research and development center, including consideration of both separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions, required an interim report not later than May 1, 1994, and a final report not later than Nov. 15, 1994, directed Secretary to submit each report to Congress, not later than 15 days after the date on which it is received by the Secretary, and directed Secretary, together with Secretary of the Army and Secretary of the Air Force, to conduct evaluation of assumptions, analysis, findings, and recommendations of the study and, not later than Feb. 1, 1995, to submit to Congress a report on the evaluation.

RETENTION OF ANCIENT PRIVILEGES AND ORGANIZATION

Section 32 of act Aug. 10, 1956, provided that:

“(a) Any corps of artillery, cavalry, or infantry existing in any of the States on the passage of the Act of May 8, 1792, which by the laws, customs, or usages of those States has been in continuous existence since the passage of that Act, shall be allowed to retain its ancient privileges, subject, nevertheless to all duties required by law of militia: *Provided*, That those organizations may be a part of the National Guard and entitled to all the privileges thereof, and shall conform in all respects to the organization, discipline, and training to the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

“(b) The First Corps Cadets, antedating, and continuously existing in the State of Massachusetts since, the Act of May 8, 1792, now designated as the 126th Tank Battalion, 26th Infantry Division, hereby declared to be a corps as defined in subsection (a) of this Act for all purposes thereof and now incorporated in the Organized Militia and a part of the National Guard of Massachusetts, shall be allowed to retain its ancient privileges and organization. The First Corps Cadets is hereby declared to be entitled to a lieutenant colonel in command and a major second in command; and those officers, when federally recognized, are entitled to the pay provided by law for their respective grades: *Provided*, That nothing in this section or other provisions of law shall be considered to be in derogation of any other ancient privileges to which the First Corps Cadets is entitled under the laws, customs, or usages of the State of Massachusetts.”

§ 105. Inspection

(a) Under regulations prescribed by him, the Secretary of the Army shall have an inspection

made by inspectors general, or, if necessary, by any other commissioned officers of the Regular Army detailed for that purpose, to determine whether—

(1) the amount and condition of property held by the Army National Guard are satisfactory;

(2) the Army National Guard is organized as provided in this title;

(3) the members of the Army National Guard meet prescribed physical and other qualifications;

(4) the Army National Guard and its organization are properly uniformed, armed, and equipped and are being trained and instructed for active duty in the field, or for coast defense;

(5) Army National Guard records are being kept in accordance with this title;

(6) the accounts and records of each property and fiscal officer are properly maintained; and

(7) the units of the Army National Guard meet requirements for deployment.

The Secretary of the Air Force has a similar duty with respect to the Air National Guard.

(b) The reports of inspections under subsection (a) are the basis for determining whether the National Guard is entitled to the issue of military property as authorized under this title and to retain that property; and for determining which organizations and persons constitute units and members of the National Guard; and for determining which units of the National Guard meet deployability standards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 598; Pub. L. 95-79, title VIII, §804(a), July 30, 1977, 91 Stat. 333; Pub. L. 102-484, div. A, title XI, §1122, Oct. 23, 1992, 106 Stat. 2540.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
105(a)	32:15 (1st sentence).	June 3, 1916, ch. 134, §93,
105(b)	32:15 (less 1st sentence).	39 Stat. 206.

In subsection (a), the word “commissioned” is inserted, since 32:15 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (a)(2), the words “provided in this title” are substituted for the words “hereinbefore prescribed”.

In subsection (a)(4), the words “the Army National Guard and its organizations” are substituted for the words “the organization and the officers and enlisted men thereof”. The word “uniformed” is omitted as covered by the word “equipped”.

In subsection (b), the words “under subsection (a)” are substituted for the word “such”. The words “units and members” are substituted for the word “parts”. The words “within the meaning of this title” are omitted as surplusage.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-484, §1122(1), substituted “shall” for “may” in introductory provisions and added par. (7).

Subsec. (b). Pub. L. 102-484, §1122(2), inserted before period at end “; and for determining which units of the National Guard meet deployability standards”.

1977—Subsec. (a). Pub. L. 95-79 substituted “Under regulations prescribed by him, the Secretary of the Army may have an inspection made” for “The Sec-

retary of the Army shall have an inspection made at least once a year” and added cl. (6).

§ 106. Annual appropriations

Sums will be appropriated annually, out of any money in the Treasury not otherwise appropriated, for the support of the Army National Guard and the Air National Guard, including the issue of arms, ordnance stores, quartermaster stores, camp equipage, and other military supplies, and for the payment of other expenses authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106	32:21.	June 3, 1916, ch. 134, § 67 (1st par.), 39 Stat. 199.

The words “issue of” are substituted for the words “the expense of providing”. The words “for issue to the National Guard” and “pertaining to said guard as are or may be” are omitted as surplusage.

§ 107. Availability of appropriations

(a) Under such regulations as the Secretary concerned may prescribe, appropriations for the National Guard are available for—

(1) the necessary expenses of members of a regular or reserve component of the Army or the Air Force traveling on duty in connection with the National Guard;

(2) the necessary expenses of members of the Regular Army or the Regular Air Force on duty in the National Guard Bureau or with the Army Staff or the Air Staff, traveling to and from annual conventions of the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States, or the Adjutants General Association;

(3) the transportation of supplies furnished to the National Guard as permanent equipment;

(4) the office rent and necessary office expenses of officers of a regular or reserve component of the Army or the Air Force on duty with the National Guard;

(5) the expenses of the National Guard Bureau, including clerical services;

(6) the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges;

(7) such incidental expenses of authorized encampments, maneuvers, and field instruction as the Secretary considers necessary; and

(8) other expenses of the National Guard authorized by law.

(b) The expenses of enlisted members of the Regular Army or the Regular Air Force on duty with the National Guard shall be paid from appropriations for the Army National Guard or the Air National Guard, as the case may be, but not from the allotment of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands. Payable expenses include allowances for subsistence and housing under sections 402 and 403 of title 37 and expenses for medicine and medical attendance.

(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 12402 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599; Pub. L. 90–83, § 4, Sept. 11, 1967, 81 Stat. 220; Pub. L. 92–119, § 1(a), Aug. 13, 1971, 85 Stat. 340; Pub. L. 97–258, § 2(h), Sept. 13, 1982, 96 Stat. 1061; Pub. L. 100–456, div. A, title XII, § 1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 103–337, div. A, title XVI, § 1676(a)(1), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 105–85, div. A, title VI, § 603(d)(4), Nov. 18, 1997, 111 Stat. 1783; Pub. L. 108–136, div. A, title V, § 514(a), Nov. 24, 2003, 117 Stat. 1460; Pub. L. 109–163, div. A, title X, § 1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107(a)	32:22 (less proviso).	June 3, 1916, ch. 134, § 67 (2d par.), 39 Stat. 199;
107(b)	32:22 (proviso, less words between 5th and 7th semicolons).	Sept. 22, 1922, ch. 423, § 3, 42 Stat. 1034; Apr. 6, 1928, ch. 321, 45 Stat. 406.
107(c)	32:22 (words between 5th and 7th semicolons of proviso).	

In subsection (a), the words “strengths in enlisted members of the active” are substituted for the words “number of enlisted men in active service”. The words between the eighth and ninth semicolons of 32:22, relating to horses and draft animals, are omitted as obsolete, since no animals are now authorized for the National Guard. The words “under section 106 of this title” are inserted, since only appropriations under that revised section are required to be apportioned.

In subsection (b)(1) and (2), the words “actual and” are omitted as surplusage.

In subsection (b)(2), the words “Reserve Officers holding commission in the National Guard” are omitted as covered by the words “officers of a * * * reserve component of the Army or the Air Force”. The words “Army General Staff” are substituted for the words “War Department General Staff” to conform to section 3031(b) of title 10.

In subsection (c), the words “under sections 251 and 252 of title 37” are substituted for the words “provided in section 19 of title 37”, since allowances for subsistence and quarters are now covered by those sections. The words “shall be paid from appropriations for the National Guard, but not from the allotment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia” are substituted for the words “shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned for any particular State, Territory, or the District of Columbia”.

1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32:107(c) ..	31:698.	Aug. 10, 1956, ch. 1041, § 30, 70A Stat. 632.

The work “appropriations” is substituted for “funds appropriated” for consistency in the title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.